

THURSDAY, APRIL 11, 1996

EIGHTY-FOURTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Ridgeway.

Representative Ridgeway led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present ..... 97

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Whitson; personal reasons.

Representative Cole (Carter); personal reasons.

PERSONAL ORDERS

Rep. Givens moved to re-refer House Bill No. 2976 to the House Finance, Ways & Means Committee, which motion prevailed.

**RECOGNITION**

Rep. Napier was recognized in the well to introduce the 1996 Mule Day Queen, Ms. Andrea Nolen.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

- House Bill No. 561:** Rep(s). Langster as prime sponsor(s).  
**House Bill No. 771:** Rep(s). Head as first prime sponsor(s).  
**House Bill No. 1080:** Rep(s). Kerr as prime sponsor(s).  
**House Bill No. 1505:** Rep(s). Jackson and Patton as prime sponsor(s).  
**House Bill No. 2077:** Rep(s). Cole(Dyer), Fitzhugh, Jackson, Pinion and Ridgeway as prime sponsor(s).  
**House Bill No. 2083:** Rep(s). Jackson, Ridgeway, Pinion, Fitzhugh and Cole(Dyer) as prime sponsor(s).  
**House Bill No. 2270:** Rep(s). Armstrong as prime sponsor(s).  
**House Bill No. 2272:** Rep(s). Tindell as prime sponsor(s).  
**House Bill No. 2433:** Rep(s). Kisber, Naifeh, Gunnels, Armstrong and Garrett as prime sponsor(s).  
**House Bill No. 2891:** Rep(s). Brown and Brooks as prime sponsor(s).  
**House Bill No. 3058:** Rep(s). Newton as prime sponsor(s).  
**House Bill No. 3185:** Rep(s). Burchett as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). Beavers was/were removed as sponsor(s) of **House Bill No. 3138**.

**MESSAGE FROM THE GOVERNOR**

**April 9, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2988, 2991, and 2993 ; also House Joint Resolution No(s). 426, with his approval.

HARDY MAYS, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

**April 9, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 383, 479, 488, 493, 494, 495, 496, and 498, with his approval.

HARDY MAYS, Counsel to the Governor.

**ENGROSSED BILLS**

**April 9, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 3201.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 9, 1996**

The Speaker signed the following: Senate Bill(s) No(s). 2237, 2355, 2414, 2524, 2660, 2666 and 2819; also, Senate Joint Resolution(s) No(s). 376, 393, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 424 and 425.

**MESSAGE FROM THE SENATE**

**April 9, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1995, 2616, 2698, 2726, 2932, 3079 and 3118; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 1995 --** Sunset Laws - State university and community college system, board of regents, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 8. by \*Haynes.

**\*Senate Bill No. 2616 --** Utilities, Utility Districts - Increases board of commissioners for Ocoee Utility District, Polk County, from three to five members. Amends TCA Section 7-82-307. by \*Miller J.

**\*Senate Bill No. 2698 --** Forest and Forest Products - Authorizes division of forestry to implement and administer programs and policies to heighten public's awareness about importance of forestry to Tennessee's economy and quality of life. Amends TCA Title 11. by \*Koella.

**\*Senate Bill No. 2726 --** State Symbols - Directs state museum to maintain permanent display of state symbols. Amends TCA Title 4, Chapter 1, Part 3. by \*McNally.

**Senate Bill No. 2932 --** Driver Licenses - Authorizes grandparent to agree to be financially responsible for minor in order for such minor to obtain learner's permit or license. Amends TCA Title 55, Chapter 50. by \*Holcomb.

**\*Senate Bill No. 3079 --** Labor - Eliminates chair of statewide labor education association advisory committee as member of executive steering committee of institute for labor studies. Amends TCA Section 4-32-103. by \*Haynes. (HB3114 by \*Kernell, \*Garrett, \*Brooks)

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**\*Senate Bill No. 3118** -- Obscenity and Pornography - Prohibits sale or production of sexually explicit material not containing federally required notice of where located records containing information pertaining to performers. by \*Fowler, \*Person, \*Elsa, \*Carter, \*Rice.

**ENROLLED BILLS**

**April 9, 1996**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 530, 531, 532 and 533.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 9, 1996**

The Speaker signed the following: House Joint Resolution(s) No(s). 530, 531, 532 and 533.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 9, 1996**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 530, 531, 532 and 533; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**April 9, 1996**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 530, 531, 532 and 533.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS**

**April 9, 1996**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1952, 1969, 2255, 2688, 2693, 2746, 2837, 3059, 3061, 3170 and 3216; House Joint Resolution(s) No(s). 14, 437, 439, 449, 451, 453 and 528; also, House Resolution(s) No(s). 156, 162, 201, 202, 203, 205, 206, 207 and 208.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**THURSDAY, APRIL 11, 1996 -- EIGHTY-FOURTH LEGISLATIVE DAY**

**SIGNED  
April 9, 1996**

The Speaker signed the following: House Bill(s) No(s). 1952, 1969, 2255, 2688, 2693, 2746, 2837, 3059, 3061, 3170 and 3216; House Joint Resolution(s) No(s). 14, 437, 439, 449, 451, 453 and 528; also, House Resolution(s) No(s). 156, 162, 201, 202, 203, 205, 206, 207 and 208.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
April 9, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s).426; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**SIGNED  
April 9, 1996**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 426.

**MESSAGE FROM THE GOVERNOR  
April 9, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 530, 531, 532 and 533, with his approval.

HARDY MAYS, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR  
April 10, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1336, 2318, 2973, 3265 and 3266, with his approval.

HARDY MAYS, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR  
April 10, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 499, 502, 504, 505 and 506, with his approval.

HARDY MAYS, Counsel to the Governor.

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2538; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 2538 --** Hospitals and Health Care Facilities - Defines "residential assisted care living facility" and "residential assisted care living facility resident." - Amends TCA Titles 2, 48, 63, 68 and 71. by \*Wilder, \*Ford J, \*Henry, \*Cohen, \*Holcomb, \*Person, \*Crutchfield, \*Kyle, \*Rochelle, \*Burks.

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 4; The resolution passed three readings in the Senate by a roll call vote in accordance with Article XI, Section 3, of the Constitution of the State of Tennessee.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**INTRODUCTION OF RESOLUTIONS**

**April 9, 1996**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 539 --** Constitutional Amendments - Authorize lotteries. by \*Kernell, \*Arriola, \*Cantrell, \*Brooks, \*Miller L, \*Langster, \*Chumney, \*Pruitt, \*Odom, \*Givens, \*Callicott.

State & Local Government Committee

**INTRODUCTION OF RESOLUTIONS**

**April 11, 1996**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced:

**House Joint Resolution No. 541 --** Naming and Designating - "State Employee Week," June 16-22, 1996. by \*Ridgeway, \*Purcell, \*Armstrong, \*Arriola, \*Beavers, \*Bell, \*Bird, \*Bittle, \*Bowers, \*Bragg, \*Brooks, \*Brown, \*Buck, \*Burchett, \*Byrd, \*Callicott, \*Cantrell, \*Chumney, \*Clabough, \*Coffey, \*Cole (Carter), \*Cole (Dyer), \*Cross, \*Curtiss, \*Davidson, \*Davis, \*DeBerry J, \*DeBerry L, \*Duer, \*Dunn, \*Eckles, \*Fitzhugh, \*Ford S, \*Fowlkes, \*Garrett, \*Givens, \*Gunnels, \*Haley, \*Halteman Harwell, \*Hargrove, \*Hassell, \*Head, \*Herron, \*Hicks, \*Huskey, \*Jackson, \*Jones R (Shelby), \*Jones, S., \*Joyce, \*Kent, \*Kernell, \*Kerr, \*Kisber, \*Langster, \*Lewis, \*McAfee, \*McDaniel, \*McDonald, \*McKee, \*McMillan, \*Miller L, \*Naifeh, \*Napier, \*Newton,

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\*Odom, \*Patton, \*Peach, \*Phelan, \*Phillips, \*Pinion, \*Pruitt, \*Ramsey, \*Rhinehart, \*Ridgeway, \*Rigsby, \*Rinks, \*Ritchie, \*Roach, \*Robinson, \*Sharp, \*Shirley, \*Stamps, \*Stulce, \*Tindell, \*Towns, \*Turner (Hamilton), \*Turner (Shelby), \*Venable, \*Walley, \*West, \*Westmoreland, \*White, \*Whitson, \*Williams (Williamson), \*Williams (Union), \*Windle, \*Winningham, \*Wood.

**INTRODUCTION OF RESOLUTIONS**

**April 11, 1996**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Resolution No. 211** -- Constitutional Amendments - Removes constitutional prohibition on lotteries. by \*Kernell, \*Arriola, \*Cantrell, \*Brooks, \*Miller L, \*Langster, \*Chumney, \*Pruitt, \*Givens, \*Odom, \*Callicott.

State & Local Government Committee

**\*House Resolution No. 212** -- General Assembly, Studies - Creates special House committee to study practice as a psychological examiner. by \*Odom.

State & Local Government Committee

**House Joint Resolution No. 536** -- Naming and Designating - "Arbor Day" and "Earth Day," April 20, 1996. by \*Ramsey, \*Venable, \*Westmoreland.

State & Local Government Committee

**House Joint Resolution No. 537** -- General Assembly, Confirmation of Appointment - Marilyn Loeffel, State Board of Education. by \*Hassell, \*Haley, \*Shirley.

Education Committee

**House Joint Resolution No. 540** -- General Assembly, Confirmation of Appointment - Dr. Melvin Wright, Sr., State Board of Education. by \*McDaniel.

Education Committee

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 15, 1996:

**House Resolution No. 215** -- Memorials, Public Service - International Association of Black Professional Fire Fighters. by \*Jones U (Shelby), \*Miller L.

**House Resolution No. 216** -- Memorials, Professional Achievement - Progressive Black Fire Fighters of Memphis. by \*Jones U (Shelby).

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**House Joint Resolution No. 538** -- Memorials, Professional Achievement - Chapel Hill Lions Club, 50th Anniversary. by \*Beavers, \*Fowlkes.

**House Joint Resolution No. 543** -- Memorials, Sports - Coach Galen Johnson Jr. by \*Clabough, \*Kerr.

**House Joint Resolution No. 545** -- Memorials, Recognition and Thanks - Rogers Group, Inc. and Dave Adomyetz. by \*Fowlkes.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 15, 1996:

**Senate Joint Resolution No. 449** -- Memorials, Professional Achievement - Marrie Lasater, District Level Teacher of the Year. by \*Womack.

**Senate Joint Resolution No. 450** -- Memorials, Sports - 1995-1996 Lake County High School boys' basketball team. by \*Hamilton.

**REPORT OF DELAYED BILLS COMMITTEE  
April 11, 1996**

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 3294, 3285, 3286 and 3299.

Jimmy Naifeh, Speaker  
Bill Purcell  
H. E. Bittle

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 3303** -- Unicoi County - Subject to local approval, appoints county purchasing agent; requires county road department purchases be made through purchasing agent. by \*Whitson.

**House Bill No. 3304** -- Unicoi County - Subject to local approval, increases privilege tax for commercial outfitters from \$1.00 to \$2.00 per customer. Amends Chapter 40 of the Private Acts of 1983; as amended. by \*Whitson.

**House Bill No. 3305** -- Gainesboro - Subject to local approval, amends city charter. Amends Chapter 26 of the Acts of 1905; as amended. by \*Winningham.

**House Bill No. 3285** -- County Officers - Authorizes register of deeds of Dyer



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County to collect \$2.00 data processing fee for purchase and maintenance of computers and supplies. Amends TCA Section 8-21-1001. by \*Cole (Dyer).

**House Bill No. 3286** -- Sports - Permits mayor rather than governing body to appoint members of sports authority in Memphis and Shelby County. Amends TCA Title 7, Chapter 67. by \*Chumney, \*Towns, \*Brooks, \*Miller L, \*Bowers, \*Jones U (Shelby), \*Turner (Shelby), \*DeBerry J, \*Byrd, \*Haley.

**\*House Bill No. 3294** -- Uniform Commercial Code - Revises process for filing continuation of financing statement by secured parties. Amends TCA Title 47. by \*Purcell.

**\*House Bill No. 3299** -- Uniform Commercial Code - Revises procedures for filing continuation statements by secured parties. Amends TCA Title 47, Chapter 9. by \*Chumney.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 1995** -- Sunset Laws - State university and community college system, board of regents, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 8. by \*Haynes.

**\*Senate Bill No. 2616** -- Utilities, Utility Districts - Increases board of commissioners for Ocoee Utility District, Polk County, from three to five members. Amends TCA Section 7-82-307. by \*Miller J.

**\*Senate Bill No. 2698** -- Forest and Forest Products - Authorizes division of forestry to implement and administer programs and policies to heighten public's awareness about importance of forestry to Tennessee's economy and quality of life. Amends TCA Title 11. by \*Koella.

**\*Senate Bill No. 2726** -- State Symbols - Directs state museum to maintain permanent display of state symbols. Amends TCA Title 4, Chapter 1, Part 3. by \*McNally.

**Senate Bill No. 2932** -- Driver Licenses - Authorizes grandparent to agree to be financially responsible for minor in order for such minor to obtain learner's permit or license. Amends TCA Title 55, Chapter 50. by \*Holcomb.

**\*Senate Bill No. 3079** -- Labor - Eliminates chair of statewide labor education association advisory committee as member of executive steering committee of institute for labor studies. Amends TCA Section 4-32-103. by \*Haynes. (HB3114 by \*Kernell, \*Garrett, \*Brooks)

**\*Senate Bill No. 3118** -- Obscenity and Pornography - Prohibits sale or production of sexually explicit material not containing federally required notice of where located

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records containing information pertaining to performers. by \*Fowler, \*Person, \*Elsea, \*Carter, \*Rice.

### **HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 3301** -- Hamblen County -- Local Bill Held on House Desk

**House Bill No. 3302** -- Kingston -- Local Bill Held on House Desk

### **REPORTS FROM STANDING COMMITTEES**

The committees that met on **April 9, 1996**, reported the following:

#### **COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 11, 1996**: House Bill(s) No(s). 3257, 2859, 2860, 2192, 2891, 2224, 2423, 3007, 3006, 2422, 3005, 2589, 2431, 2529, 561, 1501, 2745, 2077, 2083, 1835, House Joint Resolution(s) No(s). 429 and Senate Joint Resolution(s) No(s). 108.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 15, 1996**: House Bill(s) No(s). 2692, 2805, 2892, 3004 and 2218.

#### **COMMERCE**

The Commerce Committee recommends for passage: House Bill(s) No(s). 2454, 2221, 2312, 2314, 3111 and 1876 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1225. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

#### **CONSERVATION AND ENVIRONMENT**

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 2809 and 3191. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### **CONSUMER AND EMPLOYEE AFFAIRS**

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 2468 and 2824. Under the rules, each was transmitted to the Calendar and Rules Committee.

## **EDUCATION**

The Education Committee recommended for passage: House Bill(s) No(s). 2861, 2253 and 336 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 335 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

## **FINANCE, WAYS AND MEANS**

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 77, 3063, 2687 and 1119; also House Bill(s) No(s). 2819, 2986, 2270, 2433, 2770 and 342 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

## **GOVERNMENT OPERATIONS**

The Government Operations Committee recommended for passage: House Bill(s) No(s). 2123 and 431; also House Bill(s) No(s). 2114 and 2458 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Consumer & Employee Affairs Committee: House Bill(s) No(s). 3114.

## **STATE AND LOCAL GOVERNMENT**

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 2586, 2827, 3205 and 2243; also House Bill(s) No(s). 1167, 3120 and 2313 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2876 and 2357; also House Bill(s) No(s). 2914 and 2085 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

## **REPORTS FROM STANDING COMMITTEES**

The committees that met on **April 10, 1996**, reported the following:

### **COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 15, 1996**: House Bill(s) No(s). 2508, 2326, 2330, 2507, 2232, 2987, 2581, 2538, 2167, 2945, 2679, 3077, 3078, 2940 and 2512.

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The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 15, 1996**: House Bill(s) No(s). 2577, 2967, 2560, 3264 and Senate Joint Resolution(s) No(s). 356.

### **EDUCATION**

The Education Committee recommended for passage: House Bill(s) No(s). 3179; also House Bill(s) No(s). 2265, 2706 and 2707 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2374; also House Bill(s) No(s). 2266 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

### **HEALTH AND HUMAN RESOURCES**

The Health and Human Resources Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3034 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

### **JUDICIARY**

The Judiciary Committee recommended for passage: House Bill(s) No(s). 1991, 2300, 2301, 3279, 2975, 2491, 2720 and House Joint Resolution(s) No(s). 508; also House Bill(s) No(s). 3271, 3272, 3273, 2370, 3174, 3218, 3227, 2432, 2830, 3058, 2445, 1107, 800, 2230 and 3090 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2937 and 2079; also House Bill(s) No(s). 1420, 2927 and 2372 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

### **TRANSPORTATION**

The Transportation Committee recommended for passage: House Bill(s) No(s). 3221 and 2755. Under the rules, each was transmitted to the Calendar and Rules Committee.

### **REPORTS FROM STANDING COMMITTEES**

The committees that met on **April 11, 1996**, reported the following:

#### **COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 15, 1996**: House Bill(s) No(s). 2221, 1876, 2646, 2873, 2833, 2136,

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336, 2454, 3136, 2879, 1840, 2076, 2321, 2861, 2642, House Joint Resolution No. 464 and Senate Joint Resolution No. 43.

The Committee set the following bills on the **Regular Calendar** for **April 17, 1996**: House Bill(s) No(s).2381.

The Committee set the following bill(s) and/or resolution(s) on the **Regular Calendar** for **April 18, 1996**: House Bill(s) No(s). 2907 and 2289.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 15, 1996**: House Bill(s) No(s). 3031, 2244, 2121, 2116, 2809, 3131 and House Joint Resolution(s) No(s).444,415 and 461.

### **CONSENT CALENDAR**

**House Resolution No. 209** -- Memorials, Professional Achievement - Jamigan and Son Mortuary, 110th anniversary. by \*Ritchie.

**House Resolution No. 210** -- Memorials, Professional Achievement - Patricia Martin Mills, South Tipton Chamber of Commerce Teacher of the Year. by \*Naifeh.

**House Joint Resolution No. 527** -- Memorials, Public Service - Ralph Lindsey. by \*Clabough, \*Kerr.

**House Joint Resolution No. 529** -- Memorials, Retirement - Kathy Coatney Mays. by \*Walley.

**House Joint Resolution No. 534** -- Memorials, Recognition and Thanks - Dr. L. Paul Sands, Columbia State Community College. by \*Napier, \*White, \*Callicott, \*Fowlkes, \*Jackson.

**House Joint Resolution No. 535** -- Memorials, Sports - 1995-1996 Bartlett High School boys' basketball team. by \*Byrd.

**Senate Joint Resolution No. 427** -- Memorials, Public Service - Tennessee Conservation League, 50th Anniversary. by \*Henry, \*Cohen, \*Gilbert, \*Kyle.

**Senate Joint Resolution No. 428** -- Memorials, Sports - 1995-1996 William James Junior High School girls' basketball team. by \*Springer.

**Senate Joint Resolution No. 429** -- Memorials, Interns - Keith Bowers. by \*Koella, \*Cooper.

**Senate Joint Resolution No. 430** -- Memorials, Interns - Elizabeth Millsaps. by \*Koella, \*Cooper.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate

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House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	97
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

### RULES SUSPENDED

On motion of Rep. Purcell, and second by Rep. Bittle, the following rules were suspended, without objection, for the remainder of the 1996 legislative session:

**Rule No. 17:** so that all memorializing and congratulatory resolutions can be placed directly on the next Consent Calendar;

**Rule No. 49:** the 48-hour rule so that all bills moved from Calendar and Rules can be set on the next floor Calendar;

**Rule No. 50:** the 72-hour rule for posting the Consent Calendar, so that Local Bills and other bills and resolutions coming out of Calendar and Rules can be placed on the next Consent Calendar on a daily basis;

**Rule No. 71:** the 24-hour rule requiring all amendments to be placed on member's desks;

**Rule No. 59:** notice provisions so that all bills from the Senate with messages can be announced and automatically be placed on the next Message Calendar;

**Rule No. 75:** meeting time provision so that session can meet hours other than 9:00 a.m. to 12 noon and 2:00 p.m. to 7:00 p.m.;

**Rule No. 80(1):** so that all bills reported out of subcommittee can be heard on the next full committee calendar without waiting a week;

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**Rule No. 80(1):** so that all bills reported out of committee can be heard in the next committee or subcommittee without waiting a week.

**REGULAR CALENDAR**

**\*House Bill No. 2486** -- Driver Licenses - Authorizes grandparent to agree to be financially responsible for minor in order for such minor to obtain learner's permit or license. Amends TCA Title 55, Chapter 50. by \*Peach. (SB2932 by \*Holcomb)

Further consideration of House Bill No. 2486, previously considered on March 25, 1996, and reset to today's Calendar.

On motion, House Bill No. 2486 was made to conform with **Senate Bill No. 2932**; the Senate Bill was substituted for the House Bill.

Rep. Peach moved that Senate Bill No. 2932, be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Peach moved that **Senate Bill No. 2932** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 1271** -- Contractors - Excludes contractors from alarm systems licensing requirements if such contractors deliver less than 45 percent of gross annual revenues from sales, monitoring installation and monitoring services of alarm systems. Amends TCA Title 62, Chapter 32, Part 3. by \*Garrett. (\*SB768 by \*Haynes)

Further consideration of House Bill No. 1271, previously considered on May 15, 1995, May 18, 1995, March 4, 1996 and March 25, 1996, and reset to today's Calendar.

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On motion, House Bill No. 1271 was made to conform with **Senate Bill No. 768**; the Senate Bill was substituted for the House Bill.

Rep. Garrett moved that Senate Bill No. 768 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Garrett moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 768 by adding the following as a new section of Senate Amendment Number 3:

Section \_\_\_\_ Tennessee Code Annotated, Section 62-32-305, is amended by adding the following as a new subdivision (13):

(13) Services by hospitals which enable an individual to be connected to the hospital by way of electronic signal for the purpose of notification in the case of accident or illness.

AND FURTHER AMEND by adding the following as a new section of Senate Amendment Number 3:

Section \_\_\_\_ Tennessee Code Annotated, Section 62-32-306(b) is amended by adding the following language at the end of the subsection:

A board member appointed by the governor prior to the effective date of this section shall remain on the board until such member's term of office expires.

AND FURTHER AMEND by deleting in its entirety Section 21 of Senate Amendment Number 3 and by substituting instead the following:

Section \_\_\_\_ Tennessee Code Annotated, Section 62-32-313(k), is amended by deleting the subsection in its entirety and by substituting instead the following:

(k) A qualifying agent shall complete a total of eight (8) hours of continuing education regardless of the number of classifications in which such qualified agent is licensed in order to renew such license.

AND FURTHER AMEND by deleting the effective date provisions of the act as amended and by substituting instead the following:

Section \_\_\_\_ This act shall be effective upon becoming a law, except for Sections 15, 24, 28, 29, 30, 31, 32 and 33, which shall become effective on March 1, 1996, the public welfare requiring it.



On motion, Amendment No. 2 was adopted.

Rep. Garrett moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 768 by deleting Sections 1, 4, 10, 15, 17, 20, 23, 28, 29, 30, 31 and 33 of the Senate Bill as engrossed.

AND FURTHER AMEND by deleting Section 6 of the Senate Bill as engrossed in its entirety and by substituting instead the following new sections:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 62-32-306(a), is amended by deleting the language "at least one (1) of this number shall be either a professional engineer or architect registered to practice in this state and meeting the requirements of Section 62-32-313(c)(1)" and by substituting a period for the comma after the word "state".

Section \_\_\_\_\_. Tennessee Code Annotated, Section 62-32-308(d), is amended by adding the following language:

At least two (2) of the members of the board shall be qualifying agents employed by a certified contractor who has fewer than seven (7) employees, provided that this requirement shall not affect the validity of any existing board members on the effective date of this law.

AND FURTHER AMEND in Section 8 of the Senate Bill as engrossed the language "twenty (20)" and by substituting instead the language "thirty (30)".

AND FURTHER AMEND in Section 13 of the Senate Bill as engrossed the language "twenty (20)" and by substituting instead the language "thirty (30)".

AND FURTHER AMEND by deleting Section 16 of the Senate Bill as engrossed and by substituting instead the following:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 62-32-304, is amended by deleting the text of subsection (d) in its entirety and by substituting the following language:

The certification application shall designate at least one (1) qualifying agent who is or shall be licensed for each classification of service to be performed by the certified business entity. No qualifying agent who has been so designated may serve on behalf of or be employed by any other business entity. The certification application shall designate for which classification(s) the applicant is seeking a certification.

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Section \_\_\_\_\_. Tennessee Code Annotated, Section 62-32-307, is amended by inserting the following language as subsection (k) and redesignating the remaining subsections appropriately:

The Board shall provide a procedure for the renewal of registrations issued under this part no later than June 30, 1997.

AND FURTHER AMEND in Section 24 of the Senate Bill as engrossed by deleting the language "twenty (20)" and by substituting instead the language "thirty (30)".

AND FURTHER AMEND in Section 32 of the Senate Bill as engrossed by deleting the amendatory language in its entirety and by substituting instead:

(7) A non-refundable annual registration fee set by the board.

AND FURTHER AMEND by adding the following as a new section to the Senate Bill as engrossed:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 62-32-305, is amended by adding the following new subdivisions:

(13) Medical alert or medical monitoring services to individuals made available by a hospital or an affiliate of a hospital.

(14) The monitoring and minor maintenance of alarm systems by a hospital or an affiliate of a hospital solely for its own use.

AND FURTHER AMEND in Section 14 of the Senate Bill as engrossed by deleting the section in its entirety and by substituting instead the following:

Section 14. Tennessee Code Annotated, Section 62-32-312(e)(3), is amended by deleting the section in its entirety and by substituting instead the following:

(e)(3) Registration of an employee shall be for one (1) year and shall be subject to renewal.

On motion, Amendment No. 3 was adopted.

Rep. Garrett requested that Senate Bill No. 768 be moved down 5 places on the Calendar.

**House Bill No. 2950 -- Medical Occupations - Requires committee of physical therapy to meet twice, rather than once, a year to test applicants for licensure. Amends TCA Title 63, Chapter 13. by \*Garrett. (\*SB2857 by \*Haynes, \*Rochelle)**

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Rep. Garrett requested that House Bill No. 2950 be moved down 5 places on the Calendar.

**House Bill No. 1082** -- Criminal Offenses - Creates Class A misdemeanor offense to sell or trade human remains or burial objects from Native American historical burial grounds; creates Class E felony on second offense. Amends TCA Title 4, Chapter 34; Title 11, Chapter 6. by \*Jones R (Shelby), \*Brooks. (\*SB1319 by \*Cohen)

Further consideration of House Bill No. 1082, previously considered on April 4, 1996 and reset to today's Calendar.

On motion, House Bill No. 1082 was made to conform with **Senate Bill No. 1319**; the Senate Bill was substituted for the House Bill.

Rep. Jones U (Shelby) moved that Senate Bill No. 1319, be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1319 by deleting in its entirety, all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 11-6-102(3), is amended by deleting the language "demonstratively buried" and by substituting instead the language "intentionally placed".

SECTION 2. Tennessee Code Annotated, Section 11-6-102(3), is further amended by adding the language "at the time of burial or interment or at some subsequent time" at the end of the subdivision.

SECTION 3. Tennessee Code Annotated, Section 11-6-102, is amended by adding the following language as a new, appropriately designated subdivision:

( ) "Place of interment" means a grave, burial pit, mound, or structure created to house the body.

SECTION 4. Tennessee Code Annotated, Section 11-6-112, is amended by adding the following language as a new, appropriately designated subsections:

(d)

(1) It is an offense for a person to knowingly buy, sell or barter human remains.

(2) It is an offense for a person to knowingly remove Native American burial objects from a place of interment.

(3) It is an offense for a person to receive Native American burial objects knowing such objects to have been illegally removed from a place of interment.

(4) It is an offense for a person to advertise or market an object such person knows was illegally removed from a place of interment as a genuine Native American burial object.

(5) It is an offense for a person to open any place of interment as an act of vandalism to desecrate the grave or with the intent to illegally remove human remains or burial objects from such place of interment.

Following a final conviction for a violation of this subsection, the court shall return burial objects unlawfully removed or obtained to the Tennessee Commission of Indian Affairs for proper disposition.

(e)

(1) A first violation of subsection (d) is a Class A misdemeanor.

(2) A second or subsequent violation of subsection (d) is a Class E felony.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1319 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. It is the legislative intent of this act that a person who acquired or obtained a Native American artifact or burial object at a time when it was lawful to acquire or obtain such artifact or object shall be permitted to sell, barter, display, advertise, possess or otherwise dispose of all such lawfully obtained artifacts or burial objects without violating the provisions of this act.

On motion, Amendment No. 2 was adopted.

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Rep. Cantrell moved the previous question, which motion prevailed.

Rep. Jones U (Shelby) moved that **Senate Bill No. 1319**, as amended, be passed on third and final consideration, which motion failed by the following vote:

Ayes .....	19
Noes .....	70
Present and not voting .....	3

Representatives voting aye were: Armstrong, Bowers, Bragg, Brown, Buck, Chumney, DeBerry, J., DeBerry, L., Hargrove, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Langster, Miller, Purcell, Stamps, Towns, Turner (Shelby), Williams (Williamson) -- 19.

Representatives voting no were: Arriola, Beavers, Bell, Bird, Bittle, Boyer, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jones, S., Joyce, Kent, Kerr, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Williams (Union), Windle, Winningham, Wood -- 70.

Representatives present and not voting were: Jackson, Ritchie, Mr. Speaker Naifeh -- 3.

Having received a constitutional majority in the negative, pursuant to **Rule No. 63**, the Speaker entertained a motion to reject. Hearing none, the Speaker referred Senate Bill No. 1319 to the Calendar and Rules Committee.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 2275** -- County Officers - Removes prohibition against changing salary of county executive during such official's term of office Amends TCA Section 8-24-114. by \*Huskey, \*Westmoreland. (SB2411 by \*Koella, \*Crutchfield, \*Eisea, \*Springer)

Further consideration of House Bill No. 2275, previously considered on April 4, 1996, and reset to today's Calendar.

Rep. Huskey moved that House Bill No. 2275 be passed on third and final consideration.

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Rep. Huskey requested that House Bill No. 2275 be moved down 5 places on the Calendar.

**\*House Resolution No. 68** -- General Assembly, Studies - Creates study committee to examine issues relating to reinstatement of driver licenses. by \*Robinson.

Further consideration of House Resolution No. 68, previously considered on April 4, 1996.

Rep. Robinson moved that House Resolution No. 68 be adopted.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Resolution No. 68 in the caption of the resolution by deleting the language "the reinstatement of".

AND FURTHER AMEND in the first resolving clause by deleting the language "the reinstatement of driver licenses" and by substituting instead the language "driver licenses, including, but not limited to, issuance to minors, enforcement, reinstatement, commercial driver licenses, and issuance generally".

On motion, Amendment No. 1 was adopted.

Rep. Robinson moved that **House Resolution No. 68** be adopted, as amended, which motion prevailed by the following vote:

Ayes ..... 94  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 2440** -- Game and Fish Laws - Revises penalties relative to fish and wildlife violations. Amends TCA Title 70, Chapter 1, Part 1; Section 70-2-101(e); Section

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70-2-205(e)(1); Section 70-2-215(d); Section 70-2-221(e); Section 70-4-102(c); Section 70-4-108(c); Section 70-4-201(d); Section 70-6-101(b)(2) and Section 70-6-202(b). by \*Odom. (\*SB2239 by \*Gilbert)

Further consideration of House Bill No. 2440, previously considered on March 11, 1996, March 13, 1996, March 20, 1996, March 27, 1996 and April 4, 1996, and reset to today's Calendar.

Rep. Odom moved that House Bill No. 2440 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

**\*Senate Bill No. 768 --** Contractors - Excludes contractors from alarm systems licensing requirements if such contractors deliver less than 45 percent of gross annual revenues from sales, monitoring installation and monitoring services of alarm systems. Amends TCA Title 62, Chapter 32, Part 3. by \*Haynes. (HB1271 by \*Garrett)

Further consideration of House Bill No. 1271, previously considered on today's Calendar, at which time the Senate Bill was substituted for the House Bill, Amendment No. 1 was withdrawn and Amendment(s) No(s). 2 and 3 were adopted.

Rep. Garrett moved that the House reconsider its action in adopting Amendment No. 2, which motion prevailed.

Rep. Garrett moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Garrett moved that **Senate Bill No. 768**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

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**House Bill No. 2950** -- Medical Occupations - Requires committee of physical therapy to meet twice, rather than once, a year to test applicants for licensure. Amends TCA Title 63, Chapter 13. by \*Garrett. (\*SB2857 by \*Haynes, \*Rochelle)

Further consideration of House Bill No. 2950, previously considered on today's Calendar.

On motion, House Bill No. 2950 was made to conform with **Senate Bill No. 2857**; the Senate Bill was substituted for the House Bill.

**BILL TAKEN UP OUT OF ORDER**

Rep. Robinson moved that House Bill No. 3005 be reset to the Calendar for April 18, 1996, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

Rep. Garrett moved that Senate Bill No. 2857 be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 1.

Rep. Garrett moved that **Senate Bill No. 2857** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 1505** -- DUI/DWI Offenses - Requires impoundment of vehicle used to commit second DUI for period of 28 days. Amends TCA Title 55, Chapter 10, Part 4. by \*Windle, \*Boyer, \*Williams (Union). (\*SB4 by \*Burks, \*Miller J)



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Further consideration of House Bill No. 1505, previously considered on April 4, 1996 and April 8, 1996, at which time the House adopted Amendment No. 1, and reset to today's Calendar.

Rep. Windle moved that House Bill No. 1505, as amended, be passed on third and final consideration.

Rep. Joyce moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1505 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Title 55, Chapter 10, Part 4 is amended by adding the following as a new, appropriately designated section:

Section \_\_\_\_\_. The sheriff of each county shall develop a written policy which permits alcohol and drug treatment organizations to have reasonable access to persons confined in the county jail or workhouse who have been convicted of or charged with a violation of this part.

Rep. Windle requested that House Bill No. 1505 be moved to the heel of the Calendar.

**\*House Bill No. 2275 --** County Officers - Removes prohibition against changing salary of county executive during such official's term of office Amends TCA Section 8-24-114. by \*Huskey, \*Westmoreland. (SB2411 by \*Koella, \*Crutchfield, \*Elsea, \*Springer)

Further consideration of House Bill No. 2275, previously considered on today's Calendar.

Rep. Huskey moved that House Bill No. 2275 be passed on third and final consideration.

Rep. Bragg moved the previous question, which motion prevailed.

Rep. Huskey moved that **House Bill No. 2275** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	61
Noes .....	14
Present and not voting .....	16

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Representatives voting aye were: Armstrong, Bird, Bittle, Bowers, Boyer, Bragg, Byrd, Callicott, Cantrell, Clabough, Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., Duer, Eckles, Fitzhugh, Fowlkes, Garrett, Gunnels, Hassell, Head, Herron, Hicks, Huskey, Jackson, Joyce, Kent, Kerr, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Roach, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Wood, Mr. Speaker Naifeh -- 61.

Representatives voting no were: Arriola, Beavers, Bell, Buck, Burchett, Chumney, Coffey, DeBerry, L., Haley, Halteman Harwell, Jones, R. (Shelby), Pinion, Shirley, Windle -- 14.

Representatives present and not voting were: Brooks, Brown, Cross, Dunn, Ford, Givens, Hargrove, Jones, S., Jones, U. (Shelby), Kernell, Lewis, Patton, Ridgeway, Ritchie, Williams (Union), Winningham -- 16.

A motion to reconsider was tabled.

**House Bill No. 917** -- Credit Unions - Extends period for giving notice of meeting to dissolve credit union, from 20 to 30 days. Amends TCA Title 45, by \*Rhinehart. (\*SB1118 by \*Cooper)

Further consideration of House Bill No. 917, previously considered on April 8, 1996, at which time Amendment No. 1 was adopted, and reset to today's Calendar.

Rep. Rhinehart moved that House Bill No(s). 917 be reset to the Regular Calendar for April 17, 1996, which motion prevailed.

**House Bill No. 2872** -- Hospitals and Health Care Facilities - Defines "residential assisted care living facility" and "residential assisted care living facility resident." Amends TCA Titles 2, 48, 63, 68 and 71, by \*Odom, \*Byrd, \*Pruitt, \*Duer, \*DeBerry L., \*Kerr, \*Bowers, \*Davidson, \*DeBerry J., \*Armstrong, \*Jones, S., \*Head, \*Miller L., \*Jones R (Shelby), \*Shirley, \*Haley, \*Turner (Hamilton), \*Kent, \*Herron, \*Bragg, \*Eckles, \*McMillan, \*Kernell, \*Fowlkes, \*Buck, \*Hassell, \*Rinks, \*Ridgeway, \*Kisber, \*Chumney, \*Westmoreland, \*Callicott, \*Joyce, \*Jones U (Shelby), \*Wood, \*Brooks. (\*SB2538 by \*Wilder, \*Ford J, \*Henry, \*Cohen, \*Holcomb, \*Person, \*Crutchfield, \*Kyle)

Further consideration of House Bill No. 2872, previously considered on April 4, 1996 and April 8, 1996, and reset to today's Calendar.

Rep. Odom requested that House Bill No. 2872 be moved to the heel of the Calendar.

**House Bill No. 2539** -- Boats, Boating - Regulates use of personal watercraft on Tennessee waters. Amends TCA Title 69, Chapter 10, by \*Cantrell, \*Newton, \*Kerr, \*Westmoreland, \*McKee, \*Hassell, \*Callicott, \*Stamps, \*Walley. (\*SB2037 by \*O'Brien)

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Further consideration of House Bill No. 2539, previously considered on April 8, 1996, at which time the House adopted Amendment No(s). 1 and 2, and reset to today's Calendar.

Rep. Cantrell moved that House Bill No. 2539, as amended, be passed on third and final consideration.

Rep. Napier moved adoption of Conservation and Environment Committee Amendment No. 1 as House Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 2539 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 69, Chapter 10, Part 2, is amended by adding the following as a new section to be appropriately designated:

Section \_\_\_\_.

(a) As used in this section, "personal watercraft" means a mechanically propelled vessel which is designed to be operated by a person sitting, standing or kneeling on the vessel rather than being operated in a conventional manner by a person sitting, standing, or kneeling inside the vessel. It shall include, but not be limited to, Jet Skis, Waverunners, Sea-Doos, Wetjets, Aquajets, Polaris, Tigersharks, and similar craft.

(b) A person may not operate a personal watercraft on the waters of Tennessee, unless each person operating, riding on, or being towed by the vessel is wearing a U.S. Coast Guard approved Type I, II, III, or V personal flotation device in accordance with rules and regulations by the commission.

(c) A person operating a personal watercraft on the waters of Tennessee shall have a lanyard type engine cutoff switch and must attach the lanyard to the person, clothing, or personal flotation device as is appropriate.

(d) A personal watercraft shall at all times be operated on the waters of Tennessee in a reasonable and prudent manner. Maneuvers which endanger life, limb, or property, or create a public nuisance shall constitute reckless operation of a vessel as provided in subsection (a) of Section 69-10-216 and shall be punished as provided in Section 69-10-219. These acts shall include but not be limited to: weaving through congested vessel traffic at high speed; following within the wake, and closely behind, a vessel towing a person or persons on water skis or other water sport devices;

cutting between a boat and the person or persons being towed by that boat; crossing in close proximity to the stern of another vessel or when visibility around the other vessel is obstructed; steering a vessel toward any object or person in the water and turning sharply at close range so as to spray the object or person; and the wake of another vessel within 100 feet of that vessel.

(1) If the operator of a vessel feels that the operation of a personal watercraft is creating a hazard to that vessel or a person being towed by that vessel, they shall exhibit an orange flag and wave it in such a manner to signal the operator of the personal watercraft to steer away, or to take such action that will end the hazard. Said flag shall be no less than twelve (12) inches by twelve (12) inches in size.

(e) No person under the age of twelve (12) shall operate a personal watercraft on the waters of this state, and the persons who are at least twelve (12) years of age and over may only operate personal watercraft on the waters of Tennessee to the extent otherwise permitted by law.

(1) No person under the age of sixteen (16) may rent or attempt to hire, lease, or rent a personal watercraft. It shall be illegal for any marina, livery, or rental operation to hire, lease, or rent a personal watercraft to any person under the age of sixteen (16). Further, no marina, livery, or other rental operation may hire, lease, or rent a personal watercraft to any first-time renter until the rental operation at first provides an orientation to the renter containing at least the following information: basic operation of the craft, including steering capability when the power is decreased or at idle; required safety equipment and the use of the engine cutoff switch; rules of the road; meaning of the state uniform waterway marking system buoys; regulations regarding wake-jumping and other regulations specific to personal watercraft. Further, the renter must acknowledge in writing that they have received such instruction and the renter must keep on file such acknowledgment for a period of at least thirty (30) days; such record shall be available for inspection by enforcement officers during regular business hours.

(f) No person shall tow any person by personal watercraft unless the personal watercraft is equipped with a rearview mirror meeting the specifications established by regulation of the commission.

(g) It is unlawful for the owner of any personal watercraft or any person having charge of or control of a personal watercraft to

authorize or knowingly permit these to be operated on the waters of this state by a person in violation of this section.

(h) Any person who violates this section, except as otherwise provided in subsection (d), shall be guilty of a Class B misdemeanor. All fines collected for violation of this section shall be deposited in accordance with Section 69-10-203(b).

(i) This section does not apply to a performer engaged in professional exhibition or a person participating in a regatta, race, marine parade, tournament, or exhibition, and any rules and regulations issued by the commission.

SECTION 2. Tennessee Code Annotated Title 69, Chapter 10, Part 2, is amended by adding the following as a new section to be appropriately designated:

Section \_\_\_\_.

(a) The specifications for rearview mirrors on personal watercraft used for towing any person shall be as follows: Each mirror shall contain a minimum viewing size of sixty-five (65) square centimeters (ten (10) square inches), a minimum viewing area height of sixty-four (64) millimeters (two and one-half (2.5) inches), and minimum viewing area width of one hundred (100) millimeters (four (4.0) inches). Said mirrors shall be mounted or attached on both the right and left sides of the personal watercraft so as to provide the maximum rearward observation by the operator. Mirrors shall not be mounted or attached to the steering mechanism of the personal watercraft. The minimum combined viewing area of both mirrors shall be one hundred thirty (130) square centimeters (twenty (20) square inches).

(b) It shall be a Class A misdemeanor to tow any person by personal watercraft unless said watercraft meets all of these specifications.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Rep. Cantrell moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 2539 by deleting subsection (e) of the amendatory section in Section 1 and by substituting instead the following:

(e) It is unlawful for any person under twelve (12) years of age to operate a personal watercraft upon the waters of Tennessee unless such person is under the direct supervision of an adult. Direct supervision is defined as being in such proximity with the operator so as to be able to take immediate control of the vessel.

AND FURTHER AMEND by deleting subsection (f) of the amendatory section in Section 1 and by substituting instead the following:

(f) No person shall utilize a personal watercraft to tow a person or persons on water skis or other water sport devices unless the personal watercraft is equipped with rearview mirrors meeting the specifications established by statute or regulation of the commission.

AND FURTHER AMEND by deleting subsection (h) of the amendatory section in Section 1 in its entirety.

AND FURTHER AMEND by deleting the words "and the wake" at the end of the third sentence of subsection (d) of Section 1 and by substituting instead the words "and jumping the wake".

On motion, Amendment No. 4 was adopted.

Rep. McAfee moved the previous question, which motion failed by the following vote:

Ayes.....	55
Noes .....	31
Present and not voting.....	2

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Curtiss, Davidson, DeBerry, J., Duer, Fowlkes, Garrett, Haley, Halteman Harwell, Hassell, Head, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Langster, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Odom, Patton, Pinion, Pruitt, Ramsey, Rhinehart, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Williams (Union), Williams (Williamson), Wood -- 55.

Representatives voting no were: Armstrong, Bell, Brooks, Brown, Chumney, Coffey, Cole (Dyer), Cross, DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Gunnels, Kisber, Lewis, McKee, Newton, Peach, Phelan, Phillips, Purcell, Ridgeway, Rigsby, Rinks, Roach, Turner (Shelby), White, Windle, Winningham, Mr. Speaker Naifeh -- 31.

Representatives present and not voting were: Kernell, Ritchie -- 2.

Rep. Rinks moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND House Bill No. 2539 by deleting from the amendatory language of Section 1(e) the language "twelve (12)" wherever it may appear and substituting instead the language "nine (9)".

Rep. Cantrell moved that the motion to adopt Amendment No. 5 be tabled, which motion failed by the following vote:

Ayes .....	40
Noes .....	45
Present and not voting .....	3

Representatives voting aye were: Bird, Bittle, Boyer, Byrd, Cantrell, Chumney, Clabough, Coffey, Curtiss, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Garrett, Halteman, Harwell, Hassell, Jackson, Jones, S., Kent, Kernell, Kerr, Langster, McAfee, McDaniel, McMillan, Miller, Napier, Odom, Patton, Pruitt, Ramsey, Sharp, Stulce, Turner (Hamilton), Turner (Shelby), West, Williams (Union), Wood -- 40.

Representatives voting no were: Armstrong, Arriola, Beavers, Bell, Bowers, Bragg, Brown, Buck, Burchett, Callicott, Cole (Dyer), Cross, Eckles, Fitzhugh, Ford, Fowlkes, Gunnels, Haley, Hargrove, Head, Herron, Hicks, Joyce, Kisber, Lewis, McDonald, McKee, Newton, Peach, Phelan, Phillips, Pinion, Purcell, Ridgeway, Rigsby, Rinks, Ritchie, Shirley, Venable, Westmoreland, White, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 45.

Representatives present and not voting were: Givens, Jones, U. (Shelby), Tindell -- 3.

Rep. Turner (Hamilton) moved the previous question on Amendment No. 5, which motion was immediately withdrawn.

Rep. Dunn moved the previous question on Amendment No. 5, which motion was immediately withdrawn.

Rep. Rinks moved adoption of Amendment No. 5, which motion failed by the following vote:

Ayes .....	25
Noes .....	56
Present and not voting .....	2

Representatives voting aye were: Bell, Buck, Burchett, Cole (Dyer), Cross, Fitzhugh, Hargrove, Head, Joyce, Kisber, Lewis, Newton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Ridgeway, Rigsby, Rinks, White, Williams (Williamson), Windle, Winningham -- 25.

Representatives voting no were: Arriola, Beavers, Bird, Bittle, Boyer, Brooks, Brown, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Curtiss, Davidson, Davis, DeBerry,

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L., Duer, Dunn, Ford, Fowlkes, Garrett, Givens, Haley, Halteman Harwell, Hassell, Herron, Jones, S., Kent, Kernell, Kerr, Langster, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Odom, Patton, Pruitt, Rhinehart, Ritchie, Roach, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Williams (Union), Wood -- 56.

Representatives present and not voting were: Bowers, Jones, U. (Shelby) -- 2.

A motion to reconsider was tabled.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Cantrell moved that **House Bill No. 2539**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	70
Noes .....	22
Present and not voting.....	3

Representatives voting aye were: Arriola, Bird, Bittle, Boyer, Bragg, Brown, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Curtiss, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Odom, Patton, Pruitt, Ramsey, Rhinehart, Ritchie, Roach, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Wood -- 70.

Representatives voting no were: Armstrong, Beavers, Bell, Buck, Cross, Davidson, DeBerry, L., Head, Jones, U. (Shelby), Peach, Phelan, Phillips, Pinion, Purcell, Ridgeway, Rigsby, Rinks, Shirley, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 22.

Representatives present and not voting were: Bowers, Brooks, Hargrove -- 3.

A motion to reconsider was tabled.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 3257** -- Intergovernmental Relations - Requires intergovernmental relations commission to conduct annual inventory of needed infrastructure Amends TCA Title 4, Chapter 10 and Section 67-9-102(b)(3). by \*Rhinehart. (SB2097 by \*Rochelle)

On motion, House Bill No. 3257 was made to conform with **Senate Bill No. 2097**; the Senate Bill was substituted for the House Bill.



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Rep. Rhinehart moved that Senate Bill No. 2097 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Rhinehart moved that **Senate Bill No. 2097** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 2859** -- Education, State Board of - Authorizes development of rules requiring schools to have communications systems and emergency procedures. Amends TCA Section 49-1-302. by \*Fowlkes, \*Windle, \*Winningham, \*McKee, \*Callicott, \*Stulce, \*Williams (Williamson), \*Brown, \*Rhinehart, \*Jones U (Shelby), \*Purcell, \*Chumney, \*Jones, S.. (\*SB2114 by \*Cooper)

Rep. Fowlkes moved that House Bill No. 2859 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2859 by adding the following new sentence at the end of the amendatory language in Section 1 of the printed bill:

The provisions of this subdivision shall only apply to new school buildings or additions constructed after the effective date of this act.

AND FURTHER AMEND by redesignating Section 2 of the printed bill to be Section 3 and by adding a new Section 2, as follows:

SECTION 2. The joint special committee on education oversight is requested to study the complete issue of school security including two-way communications, classroom security, and other necessary and feasible methods or devices for assuring the safety of students, teachers, and other school workers. The committee is requested to take testimony from and secure information from persons knowledgeable on or concerned with this situation, and to report its findings and recommendations to the 100th General Assembly by February 1, 1997.

On motion, Amendment No. 1 was adopted.

Rep. Fowlkes moved that **House Bill No. 2859**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 2860** -- Education - Establishes school safety center to develop and evaluate training materials and guidelines on school safety issues. Amends TCA Title 49, Chapter 6, Part 43. by \*Fowlkes, \*Windle, \*Winningham, \*McKee, \*Callicott, \*McDaniel, \*Stulce, \*Williams (Williamson), \*Hargrove, \*Ramsey, \*Rhinehart, \*Davidson, \*Patton, \*Brown, \*Davis, \*Jones U (Shelby), \*Chumney, \*Jones, S.. (\*SB2117 by \*Cooper

Rep. Fowlkes moved that House Bill No. 2860 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2860 by deleting the words "shall establish grants" in the amendatory language of Section 1 of the printed bill and substituting the words "may establish grants".



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5,200.01 through 5,226.00	200.00
5,226.01 through 5,252.00	201.00
5,252.01 through 5,278.00	202.00
5,278.01 through 5,304.00	203.00
5,304.01 through 5,330.00	204.00
5,330.01 through 5,356.00	205.00
5,356.01 through 5,382.00	206.00
5,382.01 through 5,408.00	207.00
5,408.01 through 5,434.00	208.00
5,434.01 through 5,460.00	209.00
5,460.01 through 5,486.00	210.00
5,486.01 through 5,512.00	211.00
5,512.01 through 5,538.00	212.00
5,538.01 through 5,564.00	213.00
5,564.01 through 5,590.00	214.00
5,590.01 through 5,616.00	215.00
5,616.01 through 5,642.00	216.00
5,642.01 through 5,668.00	217.00
5,668.01 through 5,694.00	218.00
5,694.01 through 5,720.00	219.00
5,720.01 through 5,746.00	220.00

(Effective for Benefit Years Established on or after July 6,

1997)

5,746.01 through 5,772.00	221.00
5,772.01 through 5,798.00	222.00
5,798.01 through 5,824.00	223.00
5,824.01 through 5,850.00	224.00
5,850.01 through 5,876.00	225.00
5,876.01 through 5,902.00	226.00
5,902.01 through 5,928.00	227.00
5,928.01 through 5,954.00	228.00
5,954.01 through 5,980.00	229.00
5,980.01 through 6,006.00	230.00
6,006.01 through 6,032.00	231.00
6,032.01 through 6,058.00	232.00
6,058.01 through 6,084.00	233.00
6,084.01 through 6,110.00	234.00
6,110.01 through 6,136.00	235.00
6,136.01 through 6,162.00	236.00
6,162.01 through 6,188.00	237.00
6,188.01 through 6,214.00	238.00
6,214.01 through 6,240.00	239.00

(Effective for Benefit Years Established on or after July 5,

1998)

6,240.01 through 6,266.00	240.00
6,266.01 through 6,292.00	241.00

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6,292.01 through 6,318.00	242.00
6,318.01 through 6,344.00	243.00
6,344.01 through 6,370.00	244.00
6,370.01 through 6,396.00	245.00
6,396.01 through 6,422.00	246.00
6,422.01 through 6,448.00	247.00
6,448.01 through 6,474.00	248.00
6,474.01 through 6,500.00	249.00
6,500.01 through 6,526.00	250.00
6,526.01 through 6,552.00	251.00
6,552.01 through 6,578.00	252.00
6,578.01 through 6,604.00	253.00
6,604.01 through 6,630.00	254.00
6,630.01 and over	255.00*

Section 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Givens moved that **House Bill No. 2192**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Ridgeway moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 542 out of order, which motion prevailed.

**House Joint Resolution No. 542** -- Memorials, Professional Achievement - Paris Rotary Club, 75th anniversary. by \*Ridgeway.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Ridgeway, the resolution was adopted.

A motion to reconsider was tabled.

### REGULAR CALENDAR, CONTINUED

**House Bill No. 2891** -- Welfare - Authorizes six rural and six urban counties to participate in individual development account (IDA) demonstration projects. Amends TCA Title 71, Chapter 3. by \*Pruitt, \*Langster. (\*SB2938 by \*Harper)

Rep. Pruitt moved that House Bill No. 2891 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

#### **Amendment No. 1**

AMEND House Bill No. 2891 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. The purpose of this act is to create an opportunity for AFDC, or successor program, recipients to build assets as a transition to self-sufficiency, to encourage AFDC, or successor program, recipients to secure and maintain employment and to provide the support necessary for AFDC, or successor program, recipients to make the transition from welfare to work.

Section 2. Six (6) urban and six (6) rural communities in Tennessee, two (2) of each in each grand division of the state, will participate in an individual development account (IDA) demonstration project.

Section 3. In the selected communities, AFDC, or successor program, recipients may deposit up to five thousand dollars (\$5,000) in special savings accounts for career development goals for post-secondary education of themselves or their children, small business development, home ownership purposes or transportation needs. For the period the participant is eligible for the AFDC program, or successor program, the individual development account (IDA) shall not be considered when computing the asset limit of the participant when determining the participant's eligibility for AFDC, or successor program, or food stamps, as permitted by waiver from the federal departments of health and human services and agriculture.

Section 4.

(a) The AFDC, or successor program, recipients who are not employed will not be eligible to receive matching fund donations into their individual development accounts (IDAs).

(b) For those AFDC, or successor program, recipients who secure employment while participating in this project, their development accounts may begin to be matched immediately.

(c) Matching funds may be secured from public and private funds.

Section 5. To be eligible, demonstration project participants must be a member of a group which meets twice a month to make contributions into their individual development accounts (IDAs) and receive support, training and technical assistance to ensure they secure and maintain employment while building their individual development account (IDA) and must notify the department of human services in advance of establishing such an account.

Section 6. This act shall take effect July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2891 by adding the following new subsection at the end of Section 4:

(d) For the purposes of this act, public funds utilized to provide such matching funds shall not include state funds.

On motion, Amendment No. 2 was adopted.

Rep. Pruitt moved that **House Bill No. 2891**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee,

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McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 2224** -- Taxes, Tobacco, Tobacco Products - Enacts "Tobacco Manufacturing Revenue Tax." Amends TCA Title 67, by \*Phelan. (\*SB2108 by \*Cooper)

Rep. Phelan moved that House Bill No(s). 2224 be reset to the last available space on the last available Regular Calendar, which motion prevailed.

**\*House Bill No. 2423** -- Utilities, Utility Districts - Revises board of commissioners' election requirements for Pleasant Hill utility district in Cumberland County to require election by customers. Amends TCA Title 7, Chapter 82, by \*Curtiss. (SB2658 by \*O'Brien)

Rep. Curtiss moved that House Bill No. 2423 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2423 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-82-307(gg), is amended by deleting the subsection in its entirety and by substituting instead the following:

(gg)(1) Notwithstanding any provision of this chapter to the contrary, for any water utility district having less than one thousand five hundred (1,500) subscribers in any county having a population of not less than thirty four-thousand seven hundred thirty five (34,735) nor more than thirty four-thousand eight hundred (34,800) according to the 1990 federal census or any subsequent federal census, a vacancy occurring on the board of commissioners of any such utility district after January 1, 1997, shall be filled by vote of the customers of the utility district at the first regular meeting of the district's board of commissioners that occurs more than forty (40) days after the vacancy occurs. The board of commissioners shall schedule such meeting at seven o'clock p.m. (7:00 p.m.). No person shall serve on a board unless the person is a customer of the utility district. As used in this subsection, "customer" means a



person who is periodically billed for utility service rendered by the district and who pays money for such service.

(2) A vacancy on the board due to the expiration of a term, or due to an increase in the number of members on the board, or due to any other reason, shall be filled as follows:

(A) For each vacancy, the incumbent commissioners shall select three (3) nominees, in accordance with any residency requirements that may apply to the office vacated, or to be vacated, and shall prepare a ballot for each vacancy.

Other nominees may be placed on the ballot by submitting, twenty (20) days prior to the election, a nominating petition signed by not less than ten (10) customers who are residents of the county within which the vacancy occurs. Write-in votes for unlisted candidates shall also be considered. A vacancy shall be filled by a plurality of the votes cast for each seat.

(B) At least thirty-five (35) days prior to the election, the incumbent commissioners of the utility district shall mail written notice of such meeting and election to all customers and shall list any vacancies to be filled. If the commissioners fail to set the date for the meeting, or fail to mail notice of such meeting, or fail to hold such meeting, or fail to hold the election, the county executive shall cause such things to be done upon petition of any twenty (20) customers of the district.

SECTION 2. This act shall take effect on becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Curtiss moved that **House Bill No. 2423**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks,

Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 3007** -- Alcoholic Beverages - Increases penalty for manufacturer or distiller of alcoholic beverages who fails to file affirmation or violates pledges from one year suspension of license to 18 months; increases time allowed for retailer of alcoholic beverages to notify commission of change of ownership from ten to 14 days Amends TCA Section 57-3-202 and Section 57-3-204. by \*Rigsby. (\*SB3076 by \*Cooper)

Rep. Rigsby moved that House Bill No. 3007 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3007 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-3-204(g) is amended by adding the following new subdivision:

( ) Notwithstanding any other provision of law to the contrary, any manufacturer or distiller holding a retail license pursuant to this subsection may serve without charge the product of the manufacturer or distillery produced on the premises to any person of legal drinking age as complimentary samples for tasting on the grounds or premises of the manufacturer or distillery.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Rigsby moved that **House Bill No. 3007**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	69
Noes .....	22
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., Duer, Eckles, Fitzhugh, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R.

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(Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kerr, Kisber, Langster, Lewis, McKee, McMillan, Miller, Napier, Odom, Patton, Peach, Phelan, Phillips, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Roach, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, Williams (Williamson), Mr. Speaker Naifeh -- 69.

Representatives voting no were: Beavers, Burchett, Cross, Dunn, Ford, Haley, Herron, Joyce, McAfee, McDaniel, McDonald, Pinion, Ramsey, Ridgeway, Sharp, Shirley, Walley, White, Williams (Union), Windle, Winningham, Wood -- 22.

Representatives present and not voting were: Boyer, Ritchie -- 2.

A motion to reconsider was tabled.

**House Bill No. 3006** -- Taxes, Agricultural and Open Spaces - Specifies that tax assessment treatment of open space easements for benefit of state also apply to open space easements executed and recorded for benefit of local governments. Amends TCA Section 67-5-1009. by \*Garrett, \*Langster, \*Odom, \*West, \*Pruitt, \*Robinson, \*Purcell. (\*SB2478 by \*Henry)

Rep. Garrett moved that House Bill No. 3006 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3006 by adding the following section after Section 1 and renumbering the existing sections accordingly:

SECTION 2. Tennessee Code Annotated, Section 67-5-1009 is further amended by designating the existing section as subsection (a) and by adding the following new subsection:

(b) To serve as the basis of a classification as open space land pursuant to this part, an open space easement executed for the benefit of a local government shall be preceded by a consultation with a local planning commission and shall be subject to cancellation by the local governing body only if all of the following conditions are met:

(1) the easement has been in effect for a period of at least ten (10) years;

(2) the local governing body determines that the open space is not needed in that location and that the public interest would be better served by cancellation of the easement;

(3) the local planning commission finds that the open space is not needed in that location and that the public interest would be better served by the cancellation of the easement; and

(4) the owner has paid to the county and municipality in which the land is situated an amount equal to the difference between the taxes actually paid during the ten (10) preceding years and the taxes computed during the ten (10) preceding years on the basis of fair market value and classification of the land as if the easement had not existed, as provided for in this section.

Nothing in this subsection shall be deemed to prohibit the owner and the local government from agreeing to additional conditions that must be met before cancellation is allowed.

On motion, Amendment No. 1 was adopted.

Rep. Garrett moved that **House Bill No. 3006**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Bird -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 2422** -- Motor Vehicles - Increases time department of safety has to issue or deny temporary passenger service from 45 to 60 days; clarifies that motor carriers subject to weight and SRC regulation. Amends TCA Title 55 and Title 65. by \*Cole (Dyer). (SB2733 by \*O'Brien)

Rep. Cole(Dyer) moved that House Bill No. 2422 be passed on third and final consideration.

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Rep. Fowlkes moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2422 by deleting all language following the enacting clause and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 55-7-203(7), is amended by inserting the words and punctuation "solid waste," between the word "phosphate" and the words "recovered materials" in the first sentence of the subdivision.

Section 2. Tennessee Code Annotated, Section 55-7-203(7), is amended by adding the following language to the end of the second sentence of the subdivision to be designated as (H):

"Solid waste trucks" means those trucks used for hauling solid waste, as defined in §68-211-802, but only while such solid waste is being collected and being hauled from the place or places of collection to a landfill or disposal facility.

Section 3. Tennessee Code Annotated, Section 55-4-124, is amended in subsection (a) by inserting the following after the word "coal":  
, clay, shale

Section 4. Tennessee Code Annotated, Section 55-7-203, is amended in the fourth (4th) line of subdivision (6) and the third (3rd) line of subdivision (7) by inserting the following after the word "coal":  
, clay, shale

Section 5. Tennessee Code Annotated, Section 55-7-203(7), is further amended by adding the following new subdivisions to be appropriately designated:

( ) "Clay truck" means those trucks used for hauling clay from the place of extraction to the place where such clay is used or processed; and

( ) "Shale truck" means those trucks used for hauling shale from the place of extraction to the place where such shale is used or processed.

Section 6 . This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Cole(Dyer) moved that **House Bill No. 2422**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 94  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 429** -- Memorials, Government Officials - Directs each state governmental entity to present its Title VI compliance reports and implementation plan updates to Tennessee Black Caucus of State Legislators at its Annual Legislative Retreat. by \*Brooks.

Rep. Brooks moved that House Joint Resolution No. 429 be adopted.

Rep. McDaniel moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 429 Delete from the first resolving clause the words "shall present" and substituting instead the words "is urged to present".

On motion, Amendment No. 1 was adopted.

Rep. Brooks moved that **House Joint Resolution No. 429**, as amended, be adopted, which motion prevailed by the following vote:

Ayes.....	94
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie,

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Roach, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 2589** -- Public Officials - Prohibits state and local officials and employees from encouraging drawer of check, for payment to state and local government, from including as payee of check name of any individual official or employee. by \*Joyce. (\*SB2899 by \*Leatherwood)

Rep. Joyce moved that House Bill No. 2589 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2589 by deleting the effective date section and by substituting instead the following:

This act shall take effect upon becoming a law, the public welfare requiring it.

AND FURTHER AMEND by adding the following sentence to the end of Section 1:

The provisions of this section shall not be construed or implemented to prohibit use of notification forms which were printed prior to the effective date of this act.

On motion, Amendment No. 1 was adopted.

Rep. Joyce moved that **House Bill No. 2589**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie,

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Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 2431** -- Education - Provides for workshops or inservice training of teachers in multisensory, interactive methods of dealing with and identifying ADD/hyperactive students. by \*White, \*Fitzhugh, \*Walley, \*Williams (Williamson), \*Davis, \*Davidson. (SB2752 by \*Springer, \*Jordan)

Rep. White moved that House Bill No. 2431 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2431 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section \_\_\_\_\_. The provisions of this act shall be null and void unless the general appropriations act provides an appropriation for the estimated first year's funding pursuant to Article II, Section 24, of the Constitution of the state of Tennessee.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2431 by deleting the words "or as a separate pilot project, the commissioner shall provide for workshops in", in the amendatory language of Section 1 of the printed bill and substituting the words "the commissioner shall provide for".

On motion, Amendment No. 2 was adopted.

Rep. White moved that **House Bill No. 2431**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0



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Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 2529** -- State Symbols - Directs state museum to maintain permanent display of state symbols. Amends TCA Title 4, Chapter 1, Part 3. by \*Boyer. (\*SB2726 by \*McNally)

On motion, House Bill No. 2529 was made to conform with **Senate Bill No. 2726**; the Senate Bill was substituted for the House Bill.

Rep. Boyer moved that Senate Bill No. 2726, be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2726 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 4, Chapter 1, Part 3, is amended by adding the following new section:

Section \_\_\_\_\_. The General Assembly shall designate a state hero or heroine by joint resolution to serve a term of two years. The designee may be living or may be honored posthumously. The identity of the designee and a brief biography shall be included in the Tennessee Blue Book published by the secretary of state.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

Rep. Boyer moved that Senate Bill No(s). 2726 be reset to the Regular Calendar for April 15, 1996, which motion prevailed.

**House Bill No. 561** -- Urban Renewal - Enacts "Inner City Safe Neighborhood Act of 1995"; establishes Inner City Safe Neighborhood Pilot Demonstration Project. Amends TCA Titles 13, 54. by \*Brown, \*Jones U (Shelby), \*Miller L, \*Pruitt, \*Armstrong, \*Brooks. (\*SB566 by \*Dixon)

Rep. Brown moved that House Bill No. 561 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 561 by deleting the first sentence of Section 5(a) and substituting instead the following:

The Tennessee neighborhood development corporation (TNDC) is authorized to solicit, receive, and review applications and to approve Inner City Safe Neighborhood Pilot Demonstration Project grants.

On motion, Amendment No. 1 was adopted.

Rep. Brown moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 561 by deleting from Section 2(a) the language "1995" and substituting instead the language "1996".

AND FURTHER AMEND by deleting from Section 8 the language "July 1, 1995" and substituting instead the language "July 1, 1996".

On motion, Amendment No. 2 was adopted.

Rep. Brown moved that **House Bill No. 561**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 90  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West,

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Westmoreland, White, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

**\*Senate Joint Resolution No. 108** -- General Assembly, Directed Studies Requests DOT to conduct traffic study on segment of S.R. 126 in Indian Springs community of Sullivan County presently being commercially developed. by \*Holcomb.

Rep. Venable moved that the House concur in Senate Joint Resolution No. 108.

On motion, Rep. Fowlkes withdrew Transportation Committee Amendment No. 1.

Rep. Venable moved that the House concur in Senate Joint Resolution No. 108, which motion prevailed by the following vote:

Ayes..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 1501** -- Education - Authorizes expenditure of funds in excess of 3 percent reserve in dedicated education fund. Amends TCA 49-3-352. by \*Callicott, \*Westmoreland, \*Venable, \*Ramsey, \*Williams (Williamson). (\*SB1640 by \*Jordan)

Rep. Callicott moved that House Bill No. 1501 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1501 by deleting the language of Section 1 of the printed bill and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 49-3-352(c), is amended by adding the following sentence:

In those circumstances where the local public education system has during the prior year grown by more than two percent (2%) as defined in Tennessee Code Annotated, Section 49-3-351(d), the fund balance in excess of three percent (3%) may be used to pay recurring annual operating expenses; provided, however, that no expenditures may be made out of the accumulated fund balance in excess of the three percent (3%) to fund increases in compensation for existing personnel.

On motion, Amendment No. 2 was adopted.

Rep. Callicott moved that **House Bill No. 1501**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 96.

A motion to reconsider was tabled.

**\*House Bill No. 2745** -- Education - Requires commissioner of education to establish definitions, presently unspecified, regarding student membership in LEAs relative to appropriation process for BEP. Amends TCA Section 49-3-351(d). by \*Callicott, \*Bittle, \*Davidson, \*Davis, \*McDaniel. (SB3165 by \*Elsea, \*McNally, \*Atchley, \*Carter, \*Holcomb, \*Fowler, \*Rice, \*Miller J, \*Jordan, \*Koella, \*Wright, \*Person)

Rep. Callicott moved that House Bill No. 2745 be passed on third and final consideration.

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Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2745 by deleting Section 1 of the printed bill and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-3-351, is amended by adding to the end of subsection (d):

In calculating the allocations under the basic education program formula, the commissioner of education, with the approval of the state board of education and the commissioner of finance and administration, shall establish definitions of ADMs, FTEADMs, and I & S, which will be used to determine each LEA's basic education program funding.

AND FURTHER AMEND by adding the following as Section 2 and by appropriately redesignating the subsequent section:

SECTION 2. It is the legislative intent that the definitions so established approximate as closely as possible full year ADMs, FTEADMs, and I and S.

On motion, Amendment No. 1 was adopted.

Rep. Callicott moved that **House Bill No. 2745**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 96.

A motion to reconsider was tabled.

**\*House Bill No. 2077** -- Insurance, Health, Accident - Enacts "Patients' Right to Truth Act of 1996." Amends TCA Title 56, Chapter 7. by \*Herron. (SB2646 by \*Henry)

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Rep. Herron moved that House Bill No. 2077 be passed on third and final consideration.

Rep. Herron moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2077 by deleting subsections (b) and (c) of Section \_\_\_\_ of the amendatory language of SECTION 1 and substituting instead the following:

(b) Each managed care organization, health maintenance organization or preferred provider organizations, hereinafter "plan", shall not in any way restrict medical personnel regarding informing patients of alternative medical care, treatments, programs or pharmaceuticals which may be available to the enrollee or participant, regardless of whether covered by the plan or not.

(c) A violation of this act is punishable by payment of a civil penalty of not more than one thousand dollars (\$1,000) for each violation, but not to exceed an aggregate penalty of ten thousand dollars (\$10,000), unless the person knew or reasonably should have known such person was in violation of this act, in which case the penalty is not more than five thousand (\$5,000) for each violation, but not to exceed an aggregate penalty of fifty thousand dollars (\$50,000) in any six (6) month period.

FURTHER AMEND by deleting the effective date section and substituting instead the following:

SECTION 2. This act shall take effect sixty (60) days after becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Herron moved that **House Bill No. 2077**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner

(Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 2083** -- Insurance, Health, Accident - Requires disclosure of discounts under health insurance policy, HMO contract or similar arrangement for health and sickness coverage. Amends TCA Title 56. by \*Herron. (SB2845 by \*Cooper)

Rep. Herron moved that House Bill No. 2083 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2083 by deleting the language "benefit calculation" in subsection (a) of Section 1 and by substituting instead the language "payment amount".

On motion, Amendment No. 1 was adopted.

Rep. Herron moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2083 by adding to subsection (a) of the new section created by Section 1 in the printed bill the following new sentence:

Nothing in this section shall require an explanation of benefits when the provider is paid on a capitated or other prearranged basis.

On motion, Amendment No. 2 was adopted.

Rep. Herron moved that **House Bill No. 2083**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks,

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Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 1835** -- Regional Authorities - Expands authority of Carroll County Watershed Authority from Beaver Creek Watershed to all of Carroll County. Amends TCA Title 64, Chapter 1, Part 8, by \*Herron, \*Phelan. (\*SB1825 by \*Carter)

On motion, House Bill No. 1835 was made to conform with **Senate Bill No. 1825**; the Senate Bill was substituted for the House Bill.

Rep. Herron moved that Senate Bill No. 1825, be passed on third and final consideration.

Rep. Napier moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1825 by adding the following new section:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 64-1-804, is amended by designating the existing language as subsection (a) and adding the following subsection:

(b) It is recognized that parts of Carroll County are within the watersheds of the Obion and Forked Deer Rivers. Nothing in this section or this part should be construed as giving the Carroll County Watershed Authority power that conflicts with the power of the West Tennessee River Basin Authority created by Part 4 of this chapter. In the event of any disagreement between these two (2) agencies over activities in the Obion or Forked Deer River Basins, the determination of the West Tennessee River Basin Authority shall prevail.

AND FURTHER AMEND by deleting the figure "1995" in the original Section 7 and substituting instead the figure "1996".

On motion, Amendment No. 1 was adopted.

Rep. Herron moved that **Senate Bill No. 1825**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 93  
Noes ..... 1



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Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

**House Bill No. 2872** -- Hospitals and Health Care Facilities - Defines "residential assisted care living facility" and "residential assisted care living facility resident." Amends TCA Titles 2, 48, 63, 68 and 71. by \*Odom, \*Byrd, \*Pruitt, \*Duer, \*DeBerry L, \*Kerr, \*Bowers, \*Davidson, \*DeBerry J, \*Armstrong, \*Jones, S., \*Head, \*Miller L, \*Jones R (Shelby), \*Shirley, \*Haley, \*Turner (Hamilton), \*Kent, \*Herron, \*Bragg, \*Eckles, \*McMillan, \*Kernell, \*Fowlkes, \*Buck, \*Hassell, \*Rinks, \*Ridgeway, \*Kisber, \*Chumney, \*Westmoreland, \*Callicott, \*Joyce, \*Jones U (Shelby), \*Wood, \*Brooks. (\*SB2538 by \*Wilder, \*Ford J, \*Henry, \*Cohen, \*Holcomb, \*Person, \*Crutchfield, \*Kyle)

Further consideration of House Bill No. 2872, previously considered on today's Calendar.

On motion, House Bill No. 2872 was made to conform with **Senate Bill No. 2538**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 2538 be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 1.

Rep. Brooks moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Bragg moved that Amendment No. 3 be withdrawn, which motion prevailed.

### CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

### REGULAR CALENDAR, CONTINUED

Rep. Odom moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Odom moved adoption of Amendment No. 5 as follows:

**Amendment No. 5**

AMEND Senate Bill No. 2538 as amended, by adding to Section 5, after the language "with an ownership or control interest in the licensed assisted-care living facility", in each sentence where it appears at the end of both the first and second paragraphs thereof, the following language:

or a licensed nursing home

On motion, Amendment No. 5 was adopted.

Rep. Ritchie moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Odom moved that **Senate Bill No. 2538**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 1505** -- DUI/DWI Offenses - Requires impoundment of vehicle used to commit second DUI for period of 28 days. Amends TCA Title 55, Chapter 10, Part 4. by \*Windle, \*Boyer, \*Williams (Union). (\*SB4 by \*Burks, \*Miller J)

Further consideration of House Bill No. 1505, previously considered on today's Calendar, at which time the House was on the motion to adopt Amendment No. 2.

Rep. Joyce moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1505 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

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Section \_\_\_\_\_. Tennessee Code Annotated, Title 55, Chapter 10, Part 4 is amended by adding the following as a new, appropriately designated section:

Section \_\_\_\_\_. The sheriff of each county shall develop a written policy which permits alcohol and drug treatment organizations to have reasonable access to persons confined in the county jail or workhouse who have been convicted of or charged with a violation of this part.

On motion, Amendment No. 2 was adopted.

Rep. Rhinehart moved the previous question, which motion failed by the following vote:

Ayes.....	43
Noes .....	27
Present and not voting.....	3

Representatives voting aye were: Arriola, Bird, Bittle, Boyer, Burchett, Byrd, Cantrell, Clabough, Cole (Dyer), Curtiss, Davidson, Duer, Dunn, Eckles, Givens, Halteman Harwell, Hassell, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kerr, Langster, Lewis, McAfee, McDaniel, Newton, Odom, Patton, Ramsey, Rhinehart, Rigsby, Rinks, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Walley, West, Windle, Wood -- 43.

Representatives voting no were: Bell, Bowers, Buck, Callicott, Chumney, Coffey, DeBerry, L., Ford, Fowlkes, Hargrove, Herron, Jones, U. (Shelby), Kent, Kisber, McDonald, McKee, Miller, Peach, Phelan, Phillips, Towns, Venable, Westmoreland, White, Williams (Williamson), Winningham, Mr. Speaker Naifeh -- 27.

Representatives present and not voting were: Brown, Pruitt, Ritchie -- 3.

Rep. Windle moved that House Bill No(s). 1501 be reset to the Regular Calendar for April 15, 1996, which motion prevailed.

**MESSAGE CALENDAR**

**MOTION TO RECONSIDER**

Rep. Herron moved to lift from the table the motion to reconsider Senate Bill No. 621, which motion prevailed.

**\*Senate Bill No. 621** -- Attorneys at Law - Prohibits attorneys from contacting injured persons within 30 days of date of injury for purpose of solicitation; violation is Class C misdemeanor. Amends TCA Title 23, Chapter 3, Part 1. by \*Jordan, \*McNally, \*Gilbert, \*Person, \*Miller J, \*Atchley, \*Holcomb, \*Carter, \*Haun, \*Springer, \*Rice, \*Fowler, \*Cooper, \*Elsea, \*Dixon, \*Crutchfield, \*Burks. (HB1273 by \*Herron, \*Buck, \*Dunn, \*Ritchie, \*Haley, \*Pinion, \*McDaniel, \*Bittle, \*Peach, \*Kent)

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Rep. Herron moved to reconsider action in passing Senate Bill No. 621, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No 2.

On motion Amendment No. 2 was withdrawn.

Rep. Herron moved that **Senate Bill No. 621**, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	89
Noes .....	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Williams (Union), Windle, Winningham, Wood -- 89.

Representatives voting no were: Jones, R. (Shelby), Kernell, Turner (Shelby) -- 3.

A motion to reconsider was tabled.

### HOUSE ACTION ON SENATE MESSAGE

**Senate Bill No. 1981** -- Public Records - Authorizes cities and counties to establish and operate electronic access to public records on contractual, fee-based basis. Amends TCA Title 10, Chapter 7. by \*Ford J. (\*HB1960 by \*Chumney)

Rep. Chumney moved that Senate Bill No(s). 1981 be reset to the Message Calendar for April 18, 1996, which motion prevailed.

### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 2489** -- Penal and Reformatory Institutions - Requires prison or jail director to notify employees of identity of inmates known to have infectious diseases; limits application to employees who physically interact with such inmates; prohibits release of confidential information to public. by \*Windle, \*Armstrong, \*Arriola, \*Beavers, \*Bell, \*Bird, \*Bowers, \*Boyer, \*Bragg, \*Brown, \*Buck, \*Burchett, \*Byrd, \*Callicott, \*Cantrell, \*Chumney, \*Clabough, \*Coffey, \*Cole (Dyer), \*Cross, \*Curtiss, \*Davidson, \*Davis, \*DeBerry J, \*DeBerry L, \*Duer, \*Dunn, \*Eckles, \*Fitzhugh, \*Ford S, \*Fowlkes, \*Givens, \*Gunnels, \*Haley, \*Halteman Harwell, \*Hargrove, \*Hassell, \*Head, \*Herron, \*Hicks, \*Huskey, \*Jones U (Shelby), \*Jones R (Shelby), \*Jones, S., \*Joyce, \*Kent, \*Kernell, \*Kerr, \*Kisber, \*Langster, \*Lewis, \*McAfee, \*McDaniel, \*McDonald, \*McKee,

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\*McMillan, \*Miller L, \*Naifeh, \*Napier, \*Newton, \*Odom, \*Patton, \*Phelan, \*Phillips, \*Pinion, \*Pruitt, \*Ramsey, \*Rhinehart, \*Ridgeway, \*Rigsby, \*Rinks, \*Ritchie, \*Roach, \*Robinson, \*Sharp, \*Shirley, \*Stamps, \*Stulce, \*Tindell, \*Towns, \*Turner (Hamilton), \*Turner (Shelby), \*Walley, \*West, \*Westmoreland, \*White, \*Whitson, \*Williams (Williamson), \*Williams (Union), \*Windle, \*Winningham, \*Wood. (SB3225 by \*Burks)

Rep. Windle moved that House Bill No(s). 2489 be reset to the Message Calendar for April 18, 1996, which motion prevailed.

**HOUSE ACTION ON SENATE MESSAGE**

**\*Senate Bill No. 2791** -- Public Service Commission - Establishes certain job security and salary protection for certain transferred employees Amends TCA Title 8 and Title 65. by \*Cooper, \*Gilbert. (HB3051 by \*Jones U (Shelby), \*Odom, \*West, \*Bowers, \*Brooks, \*Miller L, \*DeBerry J, \*Ritchie, \*Armstrong, \*Cross, \*Langster, \*Ridgeway, \*Pinion, \*Tindell, \*Chumney, \*Pruitt, \*Windle, \*Towns, \*Arriola)

Rep. Jones U (Shelby) moved that Senate Bill No(s). 2791 be reset to the Message Calendar for April 18, 1996, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 3052**-- Criminal Offenses - Creates Class C misdemeanor offense for intentional harming of police dog while performing official duties. Amends TCA Title 39, Chapter 14, Part 2. by \*McKee, \*Phelan, \*Rigsby, \*Roach, \*Ramsey, \*Venable, \*Westmoreland, \*Williams (Union). (\*SB3113 by \*Miller J)

Further consideration of House Bill No. 3052, previously considered on the Message Calendar for April 8, 1996, and reset to today's Calendar.

**Senate Amendment No. 3**

AMEND House Bill No. 3052 T.C.A. § 39-14-205 subsection (b) shall be amended as follows:

The words "except in the case of police dogs" shall be inserted between "...justified in killing the animal of another..." and "...of another if such person..."

**Senate Amendment No. 1 to Senate Amendment No. 3**

AMEND Senate Amendment 3 as follows:

The words "except in the case of police dogs acting in their official capacity" shall be inserted as directed in Amendment #3.

Rep. McKee moved that the House nonconcur in Senate Amendment(s) No(s). 3, as amended to **House Bill No. 3052**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 3081** -- Telecommunications Adds unauthorized use of wireless telecommunication services to offense of theft of services. by \*Hargrove, \*Stamps. (\*SB2676 by \*Rochelle, \*McNally, \*Person, \*Jordan)

**Senate Amendment No. 4**

AMEND House Bill No. 3081 by deleting the words "has been altered" from the first sentence of subsection (c)(6) of Section \_\_\_\_ of the amendatory language of SECTION 1 and substituting instead the words "has been illegally altered".

**Senate Amendment No. 5**

AMEND House Bill No. 3081 by deleting from subsection (f) of Section \_\_\_\_ of the amendatory language of SECTION 1 the words "costs of suit and any attorney fees as may be provided by law" and substituting instead the words "and costs of suit".

**Senate Amendment No. 6**

AMEND House Bill No. 3081 by deleting subsection (d) of Section \_\_\_\_ of the amendatory language of SECTION 1 and substituting instead the following:

(d)(1) A violation of this section that results in the unlawful taking or acquisition of a telecommunication service shall be punished as theft of services as provided in Tennessee Code Annotated, Section 39-14-104.

(2) A violation of this section involving five (5) or more unlawful telecommunication devices is a Class D felony.

(3) Any other violation of this section is a Class B misdemeanor.

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 4, 5 and 6 to **House Bill No. 3081**, which motion prevailed by the following vote:

Ayes ..... 90  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland,

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White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**UNFINISHED BUSINESS**

**RECALL REQUESTED**

Rep. Byrd moved that Senate Bill No. 2179 be recalled from the Senate and placed on the Message Calendar for April 15, 1996, which motion prevailed.

Rep. Kent moved that Senate Bill No. 1975 be recalled from the Senate and placed on the Message Calendar for April 15, 1996, which motion prevailed.

**RULES SUSPENDED**

Rep. Armstrong moved that the rules be suspended for the purpose of introducing House Resolution No. 214 of order, which motion prevailed.

**House Resolution No. 214** -- Memorials, Recognition and Thanks - AME Zion Church, Bicentennial. by \*Armstrong.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Armstrong, with the request that all members voting aye be added as sponsors, the resolution was adopted.

A motion to reconsider was tabled.

**RECALL REQUESTED**

Rep. McKee moved that House Bill No. 1950 be recalled from the Senate and placed on the Calendar for April 15, 1996, which motion prevailed.

**RULES SUSPENDED**

Rep. Herron moved that the rules be suspended for the purpose of introducing House Resolution No. 213 out of order, which motion prevailed.

**House Resolution No. 213** -- Memorials, Retirement - Donald F. Beisswenger. by \*Herron.

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On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Herron, the resolution was adopted.

A motion to reconsider was tabled.

### RESOLUTION READ

**\*Senate Joint Resolution No. 4** -- Constitutional Amendments - Removes constitutional prohibition on lotteries. by \*Cohen.

Rep. Kernell requested that the Clerk read Article XI, Section 3 of the Tennessee Constitution regarding Constitutional Amendments.

The Clerk read Article XI, Section 3 of the Tennessee Constitution.

Rep. Kernell requested that the Clerk read Senate Joint Resolution No. 4.

The Clerk read Senate Joint Resolution No. 4 for the first Constitutional reading, in accordance with Article XI, Section 3.

Rep. Kernell moved that Senate Joint Resolution No. 4 be reset to the calendar for April 15, 1996, which motion prevailed.

### RECALL REQUESTED

Rep. McKee moved that Senate Bill No. 1959 be recalled from the Senate and placed on the Calendar for April 15, 1996, which motion prevailed.

Rep. McKee moved to withdraw the previous motion to recall House Bill No. 1950, which motion prevailed.

### RULES SUSPENDED

Rep. Purcell moved to suspend the rules to allow House Bill No. 2463 to be heard by the Government Operations Committee on April 16, 1996, which motion prevailed.

### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 211:** Rep(s). Arriola, Cantrell, Givens, Chumney, Callicott, Odom, Langster, Pruitt, Miller and Brooks as prime sponsor(s).

**House Joint Resolution No. 534:** Rep(s). Joyce as prime sponsor(s).

**House Joint Resolution No. 539:** Rep(s). Arriola, Cantrell, Givens, Chumney, Callicott, Odom, Langster, Pruitt, Miller and Brooks as prime sponsor(s).



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**House Bill No. 1950:** Rep(s). McKee as prime sponsor(s).

**House Bill No. 2310:** Rep(s). Langster as prime sponsor(s).

**House Bill No. 2381:** Rep(s). Bell, Fitzhugh, Westmoreland, Rigsby, Buck, Phelan, Pinion, Venable, Givens, White, Roach, Rinks, Walley and Winningham as prime sponsor(s).

**House Bill No. 2433:** Rep(s). Kerr, Stulce, Windle, Davis and Huskey as prime sponsor(s).

**House Bill No. 2454:** Rep(s). Curtiss as prime sponsor(s).

**House Bill No. 2463:** Rep(s). Beavers, Rhinehart, Lewis, Rigsby, White and Phillips as prime sponsor(s).

**House Bill No. 2731:** Rep(s). Bragg as prime sponsor(s).

**House Bill No. 2907:** Rep(s). Phillips, Pinion, Fitzhugh, Bell, White, Rigsby, Givens, Buck, Westmoreland, Cross, Winningham, Phelan, and Ridgeway as prime sponsor(s).

**House Bill No. 2946:** Rep(s). Herron and West as prime sponsor(s).

**House Bill No. 2976:** Rep(s). Williams(Union) as prime sponsor(s).

**House Bill No. 3185:** Rep(s). Jones S as prime sponsor(s).

**House Bill No. 3221:** Rep(s). Peach as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 449; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 449 --** Memorials, Professional Achievement - Marrie Lasater, District Level Teacher of the Year. by \*Wornack.

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 378, 438, 509, 510, 511, 512, 514, 515, 516, 517, 518, 519, 520, 521, 522, 524 and 526; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2181, 3256, 3283 and 3284; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2274; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 11, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 527, 529, 534 and 535.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**April 11, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2275.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 450; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 450 --** Memorials, Sports - 1995-1996 Lake County High School boys' basketball team. by \*Hamilton.

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2342; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 404; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 378, 794, 925, 1968, 2120, 2234, 2296, 2479 and 2677; also, Senate Joint Resolution(s) No(s). 184, 226, 284, 313 and 345; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 347, 427, 428, 429 and 430; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1952, 1969, 2255, 2688, 2693, 2746, 2837, 3059, 3061, 3170 and 3216; also, House Joint Resolution(s) No(s). 14, 437, 439, 449, 451, 453 and 528; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 11, 1996**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2859 and 2860; also, House Joint Resolution(s) No(s). 542.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**April 11, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 3006.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**THURSDAY, APRIL 11, 1996 -- EIGHTY-FOURTH LEGISLATIVE DAY**

**ENROLLED BILLS**

**April 11, 1996**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2181, 3256, 3283 and 3284; House Joint Resolution(s) No(s). 378, 438, 509, 510, 511, 512, 514, 515, 516, 517, 518, 519, 520, 521, 522, 524 and 526; also, House Resolution(s) No(s). 68, 209, 210, and 214.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 11, 1996**

The Speaker signed the following: House Bill(s) No(s). 2181, 3256, 3283 and 3284; House Joint Resolution(s) No(s). 378, 438, 509, 510, 511, 512, 514, 515, 516, 517, 518, 519, 520, 521, 522, 524 and 526; also, House Resolution(s) No(s). 68, 209, 210, and 214.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 834 and 2022; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 542; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2179, as requested.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1975, as requested.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1959, as requested.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 300, 433, 434, 435, 436, 437, 438, 441, 442, 443, 445 and 453; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 300** -- General Assembly, Directed Studies - Directs state board of education to study and devise system for complete state funding of public primary and secondary schools and public education systems. by \*Miller J.

**Senate Joint Resolution No. 433** -- Memorials, Death - Russell H. Miles. by \*Haun.

**Senate Joint Resolution No. 434** -- Memorials, Public Service - Ralph Lindsey. by \*Koella.

**Senate Joint Resolution No. 435** -- Memorials, Academic Achievement - Huyen Mong Nguyen, Valedictorian, Antioch High School. by \*Rochelle.

**Senate Joint Resolution No. 436** -- Memorials, Academic Achievement - Chris Garner, Salutatorian, Antioch High School. by \*Rochelle, \*Harper.

**Senate Joint Resolution No. 437** -- Memorials, Academic Achievement - Charles David Koellein, Valedictorian, Ezell Harding Christian School. by \*Rochelle.

**Senate Joint Resolution No. 438** -- Memorials, Academic Achievement - Angela Yun-Chi Cheng, Salutatorian, Ezell Harding Christian School. by \*Rochelle.

**Senate Joint Resolution No. 441** -- Memorials, Public Service - Dr. Donald H. Ellis. by \*Holcomb.

**Senate Joint Resolution No. 442** -- Memorials, Public Service - Leadership Overton, 1995-1996. by \*O'Brien.

**Senate Joint Resolution No. 443** -- Memorials, Retirement - Ms. C. Emma Motley. by \*Wilder.

**Senate Joint Resolution No. 445** -- Memorials, Death - Dorothy Shepard Goldstein, Nashville. by \*Cohen, \*Harper.

**THURSDAY, APRIL 11, 1996 -- EIGHTY-FOURTH LEGISLATIVE DAY**

**\*Senate Joint Resolution No. 453 --** Memorials, Sports - 1995-1996 Hunter Elementary School girls' basketball team. by \*Crowe.

**MESSAGE FROM THE SENATE**

**April 11, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2789, 3056 and 3139; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 2789 --** Highway Signs - "Music Highway," I-40, Davidson County to Mississippi River. by \*Cohen.

**Senate Bill No. 3056 --** Appropriations - Provides that balance in rainy day fund does not revert at end of fiscal year, but is carried over to next fiscal year. Amends TCA Title 9, Chapter 6. by \*Henry, \*Hamilton, \*Person, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Harper, \*Haun, \*Haynes, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright.

**\*Senate Bill No. 3139 --** Obscenity and Pornography - Adds that oral leases or rental contracts on buildings used for sale or exhibition of obscene material unenforceable, as well as written leases or contracts. Amends TCA Section 66-7-105. by \*Fowler, \*Person, \*Elsea, \*Carter, \*Rice, \*Leatherwood, \*Haynes, \*Kyle, \*McNally, \*Miller J, \*Holcomb.

**ENGROSSED BILLS**

**April 11, 1996**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 561, 1501, 2077, 2083, 2192, 2422, 2423, 2431, 2539, 2589, 2745, 2891 and 3007; also, House Joint Resolution(s) No(s). 429.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**April 11, 1996**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 1952, 1969, 2255, 2688, 2693, 2746, 2837, 3059, 3061, 3170 and 3216; also, House Joint Resolution(s) No(s). 14, 437, 439, 449, 451, 453 and 528.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**CONSENT CALENDAR**

**April 11, 1996**

The following local bills have been placed on the Consent Calendar for **April 15, 1996**: House Bill(s) No(s). 3278, 3282, 3288, 3291, 3293, 3289, 3290, 3295, 3301 and 3302.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 96

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

**RECESS MOTION**

On motion of Rep. Purcell, the House recessed until 4:00 p.m., Monday, April 15, 1996.